THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.1825 of 2006

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DATED: 01-02-2006

Between:

D.V.Narayana and others . . .Petitioners

And

The Regional Manager, APSRTC, Nellore,

and others . . .Respondents

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O R D E R:

The petitioners were appointed as Conductors in the Andhra Pradesh State Road Transport Corporation (for short "the Corporation"), on casual basis on 31-10-1986 along with various others. Their services have been regularized with effect from 01-08-1987. They contend that in the same Region, several Conductors were appointed in February, 1987, and the services of the Conductors, so appointed, were regularized with effect from the date of their appointment and thereby, the petitioner and other similarly situated persons became juniors to the Conductors appointed in February, 1987. Pointing out this grievance, the petitioners and about 26 others filed WP.No.9809 of 1990. The said writ petition was disposed of on
29-04-1997 leaving it open to the petitioners to make a representation and the respondents, in turn, were directed to consider the same and pass appropriate orders. The petitioners complain that no action has been taken thereon, and they seek appropriate directions.

Heard the learned counsel for the petitioners and learned Standing Counsel for the Corporation.

The matter relating to the regularisation of services of Conductors in the Corporation, particularly, those appointed in the year 1986-87, has been the subject matter of Writ Petitions and Writ Appeals. In **DIVISIONAL MANAGER, APSRTC, v. P.LAKSHMOJI RAO**, the Hon'ble Supreme Court discussed various orders passed by this Court and expressed its displeasure about the manner, in which the relief was granted. Several anomalies were pointed out. Ultimately, the Hon'ble Supreme Court moulded the relief as under:

"If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle."

In the instant case, had the Corporation followed the uniform policy in the matter of regularization of the services of the Conductors, no difficulty, as such, would have arisen. The petitioners were appointed on 31-10-1986 and their services were regularized with effect from
01-08-1987. Even such a step cannot be said to have resulted in any serious irregularity. However, between the date of initial appointment and the date of regularizing the services of the petitioners, the Corporation has appointed another batch of Conductors and regularized their services with effect from the date of their appointment. This, naturally, has resulted in an anomalous situation. The Corporation ought to have been consistent in the matter of regularization of services of the Conductors, irrespective of the manner, in which they have been appointed. The basic principle that the date of appointment shall constitute the basis in the matter of fixation of seniority, gets violated on account of the differential treatment accorded by the Corporation to the two sets of Conductors appointed on 31-10-1987 and February, 1987.

It is also urged on behalf of the petitioners that the services of some of the Conductors, who were appointed along with the petitioners, were regularized with effect from 31-10-1986. If that be so, there is no reason why the similar treatment would not be accorded to the petitioners also. Reliance is placed upon the orders issued in the other Regions of the Corporation, regularizing the services of the Conductors, with effect from the date of initial appointment.

For the foregoing reasons, the writ petition is disposed of, directing that in case the services of the Conductors appointed along with the petitioners were regularized with effect from the date of their initial appointment, the petitioners shall also be extended the same benefit.

There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

1st FEBRUARY, 2006.

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